

**Remarks**

Applicant has reviewed the Office Action dated as mailed October 29, 2004 and the documents cited therewith. Claims 3, 7, 10-21, 25-28, 30-38, 40 and 41 are now cancelled. Independent claims 1, 22, 24 and 39 are now pending. Independent claims 1 and 22 have been amended to require that the second end of the arcuate clamp bar is contained within the second member throughout the entire range of opposed pivotal movement. Claim 39 has been amended to require that the second end of the arcuate clamp bar is entirely contained within the second member between the open position and the closed position. All of claims 1, 22 and 39 have been amended to delete the spring carried by the pivot. Claim 24 has not been amended. All of the remaining claims depend from one of claims 1, 22, 24 or 39.

**Claim Rejections under 35 U.S.C. §103**

The Examiner rejected the claims as being unpatentable under 35 U.S.C. 103(a) under Stratman, Sarvie or Bothum in view of Smoyak et al., Igarashi or Noniewicz et al and further in view of Wolff et al. It was the Examiner's position that Stratman, Sarvie and Bothum show all of the elements of the claimed inventions except for the spring around the pivot and the use of plastic to allow the clamp to be flexible. Smoyek et al., Igarashi and Noniewicz et al. were relied on to show the use of a spring around the pivot member. Further, Wolff et al. was relied on to show a clamp made of flexible plastic.

It is submitted that the claims as written are not rendered obvious by the combination of references relied on by the Examiner. Specifically, regarding claims 1 and 22 Stratman, Sarvie and Bothum do not show an arcuate clamp member that has a second end that is contained within the second member throughout the entire range of motion of the first and second members. In all three references the end of the arcuate member extends through and beyond the second member for substantially the entire range of motion. Moreover, there is no disclosure in any of the secondary references relied on by the Examiner that teach or suggest such an arrangement. Thus it is submitted that claims 1 and 22 define over the art of record and are allowable.

Likewise, regarding claim 39 Stratman, Sarvie and Bothum do not show an arcuate clamp member that has a second end that is entirely contained within the second member between the open position and the closed position. In all three references the end of the arcuate member extends through and beyond the second member in both the open and closed positions and for any intermediate position. Moreover, there is no disclosure in any of the secondary references relied on by the Examiner that teach or suggest such an arrangement. Thus it is submitted that claim 39 defines over the art of record and is allowable.

Finally, claim 24 requires a notch extending from an outer surface of the handle portion of the second member at least partially into the handle portion of the second member where the notch has inner surfaces integral with said second member. The brake lever pivots against the inner surfaces of the notch in the handle portion of the second member. In Bothum the actuating lever 27 pivots with respect to opening 26. Opening 26 is not a notch that extends from an outer surface of the handle portion as required by claim 24. In Stratman the plate 11 is pivoted to the handle at 14. Clearly, structure 14 is not a notch that extends from an outer surface of the handle portion as required by claim 24. Finally, Sarvie shows clutch plates 31, 32 located in recess 24. The plates however pivot against fulcrum portion 33 and not against the inner surface of the notch as required by claim 24. Moreover, there is no disclosure in any of the secondary references relied on by the Examiner that teach or suggest such an arrangement. Thus it is submitted that claim 24 defines over the art of record and is allowable.

Conclusion

For the foregoing reasons, the Applicant respectfully submits that all of the claims in the present application are in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of the claims at the earliest possible date are respectfully solicited.

If the Examiner has any questions about the present Amendment a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

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